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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,663	01/20/2004	Daniel Sabatino	67,097-018; EH-10933	1079
26096	7590	08/24/2005		EXAMINER
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			KIM, TAE JUN	
			ART UNIT	PAPER NUMBER
			3746	

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Tenth

Office Action Summary	Application No.	Applicant(s)
	10/760,663	SABATINO ET AL.
	Examiner Ted Kim	Art Unit 3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 July 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application..
- 4a) Of the above claim(s) 1-10 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 11-19 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/20/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 11-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Huang (2004/0194627). Huang teaches a method of thermal management for a gas turbine engine comprising the steps of: (1) deoxygenating a fuel in 16 to provide a deoxygenated fuel; (2) communicating the fuel 24 through a first liquid-to-liquid heat exchanger system 24 (page 2, paragraph 27 and paragraph 46) or alternately an upstream of the high temperature sources 22 (see end of paragraph 34) operable at a first maximum temperature; (3) communicating the deoxygenated fuel through a second liquid-to-liquid heat exchanger system 22 or a downstream of 22 (see end of paragraph 24) operable at a second maximum temperature, said second maximum temperature greater than said first maximum temperature; said step (2) further comprises the step of: communicating the deoxygenated fuel and an oil through the first liquid-to-liquid heat exchanger 24 or upstream one of 22, the oil effective above approximately 325 degrees Fahrenheit (note that it is inherent that if the fuel is getting as hot as up to 325 or even 900 F, then the oil

transferring the heat to the fuel must be hotter than the fuel) and preventing the oil from exceeding approximately 325 degrees Fahrenheit (inherent, as the temperature of the fuel may be set lower than 325); communicating the oil through an oil loop in communication with a subsystem which can not exceed approximately 325 degrees Fahrenheit; wherein said step (3) further comprises the step of: communicating the deoxygenated fuel and an oil through the second liquid-to-liquid heat exchanger, the oil effective above approximately 325 degrees Fahrenheit and permitting the deoxygenated fuel to exceed 325 degrees Fahrenheit; communicating the deoxygenated fuel through a fuel pump 20 after said step (2); communicating the deoxygenated fuel from the first liquid-to-liquid heat exchanger to the second liquid-to-liquid heat exchanger.

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11-17, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coffinberry (4,020,632) in view of either Sauer (6,604,558) or Spadaccini et al (6,315,815) and optionally in view of Mullin (4,879,052). Coffinberry teaches a method of thermal management for a gas turbine engine comprising the steps of: (1) providing a fuel 46; (2) communicating the fuel through a first liquid-to-liquid heat exchanger system 42 or 136 operable at a first maximum temperature; (3) communicating the fuel through a second liquid-to-liquid heat exchanger system 80 or 138 operable at a second maximum temperature, said second maximum temperature greater than said first maximum temperature; said step (2) further comprises the step of: communicating the fuel and an oil through the first liquid-to-liquid heat exchanger, the oil effective above approximately 325 degrees Fahrenheit and preventing the oil from exceeding approximately 325 degrees Fahrenheit (see col. 8, lines 13-38); communicating the oil through an oil loop in communication with a subsystem which can not exceed approximately 325 degrees Fahrenheit; communicating the deoxygenated fuel from the first liquid-to-liquid heat exchanger to the second liquid-to-liquid heat exchanger. Coffinberry does not teach the fuel is deoxygenated. Sauer teaches using deoxygenated fuel for safety concerns. Spadaccini et al teach using deoxygenated fuel to prevent fuel coking and allow the temperature of the fuel to reach high temperatures (col. 3, lines 32+) and using the fuel in cooling systems in an aircraft (col. 6, lines 54+). It would have been obvious to one of

ordinary skill in the art to employ deoxygenated fuel for safety concerns and/or to prevent fuel coking and allow the temperature of the fuel to reach high temperatures. As for the oil being effective above 325 F, it is not clear whether the oil will still be effective at those temperatures. However, high temperature oil is old and well known in the art, as taught by Mullin even in the context of gas turbine engines (col. 2, lines 9+) and as admitted as being commercially available as including NYCO Paris GTO 7. It would have been obvious to one of ordinary skill in the art to employ a high temperature oil for enhanced thermal protection and/or to prevent oil breakdown. As for allowing the fuel to exceed 325, this is taught by Spadaccini who teaches allowing the fuel to reach temperatures above this range. It would have been obvious to one of ordinary skill in the art allow the fuel to exceed this temperature due to the enhanced anti-coking properties of the deoxygenated fuel.

5. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Coffinberry (4,020,632) in view of either Sauer (6,604,558) or Spadaccini et al (6,315,815) and optionally in view of Mullin (4,879,052), as applied above, and further in view of Niggemann et al (6,182,435). Coffinberry teaches various aspects of the claimed invention but do not teach the pump after the first heat exchanger. Niggemann et al teach a pump 156 following the first heat exchanger 124 and prior to the second heat exchanger 122 is old and well known in the art. It would have been obvious to one of ordinary skill in the art to employ the pump following the first heat exchanger as a well known location for the pump in such fuel systems.

Contact Information

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Ted Kim whose telephone number is 571-272-4829. The Examiner can be reached on regular business hours before 5:00 pm, Monday to Thursday and every other Friday.

The fax numbers for the organization where this application is assigned are

571-273-8300 for Regular faxes and 571-273-8300 for After Final faxes.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Thorpe, can be reached at 571-272-4444.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist of Technology Center 3700, whose telephone number is 703-308-0861. General inquiries can also be directed to the Patents Assistance Center whose telephone number is 800-786-9199. Furthermore, a variety of online resources are available at <http://www.uspto.gov/main/patents.htm>

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